

0000096865

**BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING
COMMITTEE**

IN THE MATTER OF THE APPLICATION OF UNS
ELECTRIC, INC., IN CONFORMANCE WITH THE
REQUIREMENTS OF ARIZONA REVISED
STATUTES §§ 40-360, *et seq.*, FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING THE
CONSTRUCTION OF THE VAIL TO VALENCIA
115kV to 138kV TRANSMISSION LINE UPGRADE
PROJECT, ORIGINATING AT THE EXISTING VAIL
SUBSTATION IN SEC. 4, T.16S., R.15E., PIMA
COUNTY, TO THE EXISTING VALENCIA
SUBSTATION IN SEC. 5, T.24S., R.14E., IN THE
CITY OF NOGALES, SANTA CRUZ COUNTY,
ARIZONA.

) Arizona Corporation Commission
)
) Docket No. L-00000F-09-0190-00144
)
) Case No. 144
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NOTICE OF FILING

E-MAIL COMMUNICATION

Pursuant to the Procedural Order filed on April 27, 2009, the Chairman of the Arizona Power Plant and Transmission Line Siting Committee is providing notice of filing the following e-mail communications that have occurred between the Parties to this case and the Chairman, up to this date, since the last filing on April 29, 2009.

Arizona Corporation Commission
DOCKETED

MAY 11 2009

DATED: May 11, 2009

DOCKETED BY

AZ CORP COMMISSION
 DOCKET CONTROL

2009 MAY 11 P 2:58

RECEIVED

John Foreman, Chairman
Arizona Power Plant and Transmission
Line Siting Committee
Assistant Attorney General
john.foreman@azag.gov

1 Pursuant to A.A.C. R14-3-204,
2 The Original and 25 copies were
3 filed May 11, 2009 with:

4 Docket Control
5 Arizona Corporation Commission
6 1200 W. Washington St.
7 Phoenix, AZ 85007

8 Copy of the above was mailed
9 this 11th day of May, 2009 to:

10 Charles Hains
11 Janice Alward, Chief Counsel
12 Arizona Corporation Commission
13 1200 West Washington Street
14 Phoenix, AZ 85007
15 Counsel for Legal Division Staff

16 Jason D. Gellman
17 J. Matthew Derstine
18 Roshka DeWulf & Patten, PLC
19 One Arizona Center
20 400 East Van Buren Street, Suite 800
21 Phoenix, AZ 85004
22 Counsel for Applicant, UNS Electric

23 Marc Jerden
24 Tucson Electric Power Company
25 Legal Department
26 One South Church Avenue, Suite 200
P. O. Box 711
Tucson, AZ 85702-0711

Marshall Magruder
P.O. Box 1267
Tubac, AZ 85646

1 Marta T. Hetzer
2 Arizona Reporting Service, Inc.
3 2200 North Central Avenue
4 Phoenix, Arizona 85004-1481
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11 Jana Williams
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26

From: Tara Williams
To: MJerden@tep.com
Date: 5/1/2009 8:44 AM
Subject: Re: Case 144, June 2-4 hearing dates; lodging

CC: EBeck@tep.com; jgellman@rdp-law.com; mippolito@rdp-law.com
Thank you, Mr. Jerden. I will forward the information.

Thank you,
Tara Williams
Assistant
Consumer Protection & Advocacy Section
Office of the Attorney General
Tel: (602) 542-7759
Fax: (602) 542-4377
tara.williams@azag.gov

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>>> <MJerden@tep.com> 5/1/2009 8:37 AM >>>
Ms. Williams:

The contract for the meeting and lodging is in place. Reservations may be made until May 23rd by calling the Hotel directly at 800-288-4746, and referring to the Group rate for UNS Electric or UniSource Energy for the nights of June 1, 2 & 3. The room rate is \$89 plus 6.6% room tax. Please distribute this information to the Committee, AZRS and any other affected party as appropriate.

If there are questions or issues, please contact me directly.

<<Esplendor Post Card1.pdf>>
Sincerely,

Marc Jerden
Senior Legal Counsel
UniSource Energy Corp.
ph 520.884.3770 fx 520.545.1373

>
> From: Jerden, Marc
> Sent: Monday, April 27, 2009 12:50 PM
> To: 'Tara Williams'
> Subject: RE: June 2-4 hearing dates
>
> I was just working on finalizing the contract when you sent this. The
> rate is \$89.00/night + tax. I hope that will do. Once that is signed
> I will forward all reservation info to you.
>
> Marc Jerden
> Senior Legal Counsel
> UniSource Energy Corp.
> ph 520.884.3770 fx 520.545.1373
>

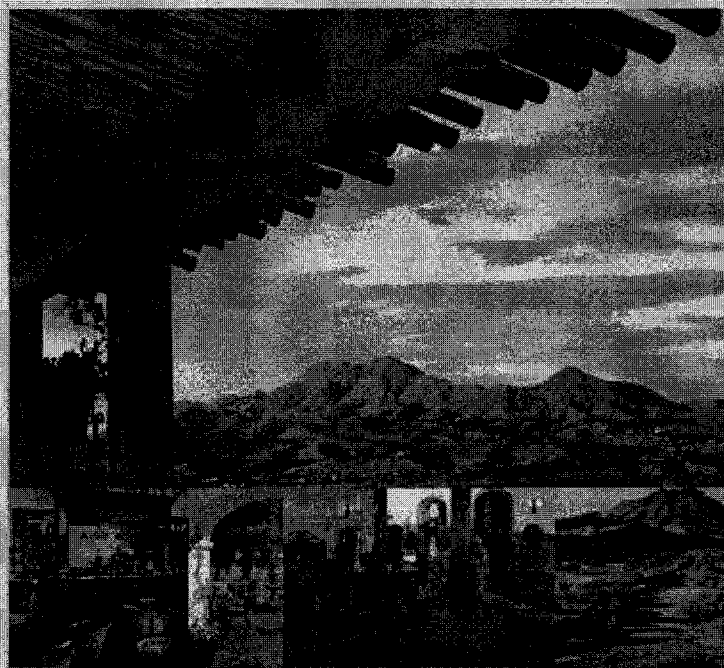
>
> -----Original Message-----
> From: Tara Williams [<mailto:Tara.Williams@azag.gov>]
> Sent: Monday, April 27, 2009 12:47 PM
> To: Jerden, Marc
> Subject: Re: June 2-4 hearing dates
>
> Mr. Jerden,
>
> I have been receiving questions regarding the hotel from the
> Committee. I was wondering if the Applicant had secured the state
> government rate/reservations at the Esplendor Resort for the
> Committee. If there is someone else who would be in charge of making
> the hotel arrangements, please let me know.
> >>> <MJerden@tep.com> 4/9/2009 3:58 PM >>>
> Tara -
> It was nice to finally meet you yesterday. Judge Foreman seemed
> initially OK yesterday with the proposed dates of hearings in Rio Rico
> (south of Tucson) on June 2nd thru 4th; at some point soon I will
> need to finalize a contract with the meeting facility and hotel, so I
> was just wondering if more inquiry among Committee members was going
> to take place and if there would be some additional confirmation
> coming my way on those dates.
>
> Thanks,
>
> Marc Jerden
> Senior Legal Counsel
> UniSource Energy Corp.
> ph 520.884.3770 fx 520.545.1373
>
>
>
>
>
>
> Thank you,
> Tara Williams
> Assistant
> Consumer Protection & Advocacy Section
> Office of the Attorney General
> Tel: (602) 542-7759
> Fax: (602) 542-4377
> tara.williams@azag.gov
>
>
>
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JUST 40 MINUTES SOUTH OF TUCSON, BUT WORLDS APART.



1069 Camino Caralampi
Rio Rico, Arizona 85648

Interstate 19, Exit 17 to
Yavapai/Rio Rico Drive.

RESERVATIONS

TOLL FREE 800/288.4746

PHONE 520/281.1901

FAX 520/281.7132

reservations@esplendor-resort.com

www.esplendor-resort.com

A Heritage Hotel and Resorts

From: Tara Williams
To: Alward, Janice; Hains, Charles; Magruder, Marshall
Date: 5/4/2009 8:18 AM
Subject: Fwd: Case 144, June 2-4 hearing dates; lodging
Attachments: Case 144, June 2-4 hearing dates; lodging

CC: Hetzer, Marta
Good Morning,

Per the Applicant for Line Siting Case #144, Vail to Valencia, please see the attached e-mail.

Thank you,
Tara Williams
Assistant
Consumer Protection & Advocacy Section
Office of the Attorney General
Tel: (602) 542-7759
Fax: (602) 542-4377
tara.williams@azag.gov

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From: <MJerden@tep.com>
To: <Tara.Williams@azag.gov>
Date: 5/1/2009 8:39 AM
Subject: Case 144, June 2-4 hearing dates; lodging
Attachments: Esplendor Post Card1.pdf

CC: <jgellman@rdp-law.com>, <mippolito@rdp-law.com>, <EBeck@tep.com>
Ms. Williams:

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Sincerely,

Marc Jerden
Senior Legal Counsel
UniSource Energy Corp.
ph 520.884.3770 fx 520.545.1373

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> Sent: Monday, April 27, 2009 12:50 PM
> To: 'Tara Williams'
> Subject: RE: June 2-4 hearing dates

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> Marc Jerden
> Senior Legal Counsel
> UniSource Energy Corp.
> ph 520.884.3770 fx 520.545.1373

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>

> -----Original Message-----

> From: Tara Williams [mailto:Tara.Williams@azag.gov]
> Sent: Monday, April 27, 2009 12:47 PM
> To: Jerden, Marc
> Subject: Re: June 2-4 hearing dates

>

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> Tara -

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> coming my way on those dates.

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>

> Marc Jerden
> Senior Legal Counsel
> UniSource Energy Corp.
> ph 520.884.3770 fx 520.545.1373

>

>

>

>

>

>

>

> Thank you,

> Tara Williams

> Assistant

> Consumer Protection & Advocacy Section

> Office of the Attorney General

> Tel: (602) 542-7759

> Fax: (602) 542-4377

> tara.williams@azag.gov

>

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JUST 40 MINUTES SOUTH OF TUCSON, BUT WORLDS APART.

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Yavapai/Rio Rico Drive.

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PHONE 520/281.1901

FAX 520/281.7132

reservations@esplendor-resort.com

www.esplendor-resort.com

A Heritage Hotel and Resort

From: "AZRS" <azrs@az-reporting.com>
To: "Tara Williams" <Tara.Williams@azag.gov>
Date: 5/4/2009 8:42 AM
Subject: RE: Case 144, June 2-4 hearing dates; lodging

Thank you.

Marta Hetzer @ AZRS

-----Original Message-----

From: Tara Williams [mailto:Tara.Williams@azag.gov]
Sent: Monday, May 04, 2009 8:18 AM
To: Charles Hains; Janice Alward; Marshall Magruder
Cc: AZRS
Subject: Fwd: Case 144, June 2-4 hearing dates; lodging

Good Morning,

Per the Applicant for Line Siting Case #144, Vail to Valencia, please see the attached e-mail.

Thank you,
Tara Williams
Assistant
Consumer Protection & Advocacy Section
Office of the Attorney General
Tel: (602) 542-7759
Fax: (602) 542-4377
tara.williams@azag.gov

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From: "Marshall@Magruder.org" <mmagruder@earthlink.net>
To: <Tara.Williams@azag.gov>
Date: 5/7/2009 11:28 PM
Subject: Line Siting Case 144, Motion to Intervene
Attachments: 090507-Motion to Intervene.doc

CC: <MJerden@tep.com>, <jgellman@rdp-law.com>, "Dan Pozefsky" <DPozefsky@azr...
Ms Williams

Could you please pass the attached motion to Mr. Foreman that was mailed to him and Docket Control this afternoon.

Thank you,

Marshall Magruder

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 **Kristin K. Mayes**

4 **Gary Pierce**

5 **Sandra D. Kennedy**

6 **Paul Newman**

7 **Bob Stump**

8 IN THE MATTER OF THE APPLICATION OF UNS ELECTRIC,
9 INC., FOR A CERTIFICATE OF ENVIRONMENTAL
10 COMPATIBILITY FOR THE VAIL TO VALENCIA 115 KV TO
11 138 KV TRANSMISSION LINE UPGRADE PROJECT,
12 ORIGINATING AT THE EXISTING VAIL SUBSTATION IN
13 SEC. 4, T.16S., R.15E., PIMA COUNTY, TO THE EXISTING
14 VALENCIA SUBSTATION IN SEC. 5, T.24S., R.14E., IN THE
15 CITY OF NOGALES, SANTA CRUZ COUNTY, ARIZONA.

Docket No. L-00000F-09-0144

**Arizona Transmission and
Power Plant Line Siting
Case No. 144**

16 **Notice of Filing a**
17 **Motion to Intervene**
18 **by**
19 **Marshall Magruder**

20 As a ratepayer, consumer, and interested party, I respectfully request to intervene to be a party
21 in this matter. I have experiences involving Santa Cruz County energy issues as an appointed member
22 of the Joint Santa Cruz County/City of Nogales Energy Commission in late January 2001 until August
23 2008. Potential issues should be prudently resolved during this case. The total environment is a major
24 issue that involves natural and human environments. The key issue is the cost impact to ratepayers.

25 The following are concerns in this case:

- 26 a. Consumer cost impacts by the change from the Western Area Power Administration (WAPA) to
27 Tucson Electric Power Company (TEP) for transmission services for UNS Electric in Santa
28 Cruz County with potential increases in wheeling charges;
29 b. Total environmental impacts in terms of increased air pollution and water consumed with a
30 change from dominant natural gas to coal-generated electricity from the Four Corner's area;
31 c. Electrical and economic impacts due to increased energy (transmission) losses on the TEP
32 lines from Four Corners versus the WAPA transmission system that are now over 15%;
33 d. Electrical and economic impacts on the Tucson area power sink (deficit) by UNSE's 75 to 120
34 MW plus 133 MW for Rosemont Copper (considered separately) by importing "market" power;
35 e. Impacts of new routes that reduce trees in a riparian area;
f. Visual and safety impacts of segment 4 in the City of Nogales;

- g. Visual impacts of "weathered" compared to less visible galvanized steel poles;
h. And other environmental issues.

If this motion is approved, request a discovery period through 30 June 2009, Due to the short time between now and the hearings, if the applicant denies any discovery data request, that response, requires rapid adjudication. Such denied response needs to include the Committee Chairman as an addressee so any dispute can be promptly resolved. I plan to dispute any data request denial to the Committee Chairman within 3 days. As usual, ten calendar days for data request responses is expected.

This filing has been mailed to all parties in the Service List below.

Respectfully submitted on this 7th day of May 2009

MARSHALL MAGRUDER

By _____

Marshall Magruder
PO Box 1267
Tubac, Arizona 85646-1267
(520) 398-8587
marshall@magruder.org

Service List

Original and 27 copies of the foregoing are filed this date with:

Docket Control (25 copies)

Arizona Corporation Commission

1200 West Washington Street
Phoenix, Arizona 85007-2927

Janice Alward, Chief Counsel, Legal Division

Earnest G. Johnson, Director, Utilities Division

John Foreman, Chairman of the Arizona Power Plant and Transmission Line Siting Committee

Assistant Attorney General, State of Arizona, Office of the Attorney General

1275 West Washington Street
Phoenix, Arizona 85007

Additional Distribution (1 copy each) are filed this date:

Jason D. Gillman, Attorney for Applicant

Roshka De Wulf & Patten

One Arizona Center

400 East Van Buren Street, Suite 800

Phoenix, Arizona 85004-2262

Marcus Jerden, Corporate Attorney

Tucson Electric Power Company

PO Box 711

Tucson, AZ 85711

Daniel W. Pozefsky, Chief Counsel

Residential Utility Consumer Office (RUCO)

1110 West Washington Street, Ste 220

Phoenix, Arizona 85007-2958

From: Tara Williams
To: Marshall@Magruder.org
Date: 5/8/2009 7:35 AM
Subject: Re: Line Siting Case 144, Motion to Intervene

Mr. Magruder,

I will make sure he receives it.

Thank you,
Tara Williams
Assistant
Consumer Protection & Advocacy Section
Office of the Attorney General
Tel: (602) 542-7759
Fax: (602) 542-4377
tara.williams@azag.gov

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>>> "Marshall@Magruder.org" <mmagruder@earthlink.net> 5/7/2009 11:28 PM >>>
Ms Williams

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Marshall Magruder